1950

File No. Local Boards II / 50 (N)

Legal Deptt.

B BRANCH

Subject:— Notifications under the Bombay Local Boards Act 1923.

P. B. 2/7/50

File No. Local Boards II / 50 (N)

229-B

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229-B

Legal Department.

In place of the Local Self Government and Public Health Department draft at p. 3 a revised draft notification is sent herewith.

2. An elaborate preamble containing a statement of reasons for the issue of the notification is not warranted by the provisions of sub-section (4) of section 3A. Such statement is required only in respect of notifications issued under sub-section (2) of clause (i) or clause (ii) of sub-section (3) of section 3A. On the issue of the final notification the Revenue District, and the District for the purposes of the Bombay Local Boards Act, 1923, will be co-extensive. It is only when the notification under section 7 of the Bombay Land Revenue Code excluding 14 villages from the Thana District and including them in the Bombay Suburban District is issued that the District Local Board, Thana, will be deprived of its jurisdiction over 14 villages.

3. The L.S.G. & P.H.D. draft at p. 5 ante.- In place of the L.S.G. & P.H.D. draft a revised draft notification is sent herewith.

Sd: J.R. Khurandhare

14/3

Additional Secretary to Government.

U.R. to L.G.G. & P.H.D. No. 2591, dated the 15th March 1950.

25.6. 4

Legal Department.

The proposal in these papers is that a tax should be imposed and recovered by Government on each acre of agricultural land and proceeds thereof be credited to the local board for the maintenance of the water works in the same way as it is at present done in the case of local fund cess. The question is whether any legislation empowering Government to levy and recover such tax would be feasible to carry out the object in view.

2. It does not appear that the proposal to empower Government to levy the tax is feasible. If any legislation is passed empowering Government to levy such tax, the proceeds of the tax will, in view of the provisions of article 266 of the Constitution form part of the Consolidated Fund of the State and cannot, therefore, form part of the local fund under section 75 of the Bombay Local Boards Act, local fund cess is levied by Government and its proceeds are paid to local boards. But the legality of this provision is open to doubt and it would take some time for investigation how this provision is continued on the Statute book. The question will have to be investigated after thepapers in L.S.G. & P.W.D. and in F.D. on the point are perused. These papers are being collected and necessary information is being called for.

Sd/- J.R. Dharadhar.

29/9.

Additional Secretary to Government.

J.R. to P.W.D. No. 29 - L, dated the 29th September 1950.

R.I.No. S.2009 E/3-11-50 &
20738/14-11-50

Submitted with reference to L.S.G. & P.H.D. note at p. 5 and F.D. note at p. 10 ante.

Please see this Department's U.R. to L.S.G. & P.H.D. and F.D. at p. 1 ante in the matter. The papers required by L.D. are not on the records of either of these two Departments as stated by them.

As the P.W.D. case in connection with which the above papers were required and which was returned to that Department under L.D.'s U.R. No. 29-L dated the 29th September 1950 at p. 3 ante has not so far been referred to this Department again, these papers may for the present be filed.

Sd/- 22/11

Sd/- 22/11

S.A.S.

Addl. Secy. J.R.D.

23/11

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